

460. (New) The method of claim 454 further comprising the step of quantifying the nucleic acid analyte determined to be present in the sample.

A' 461. (New) The method of claim 441, wherein step c) is indicative of the presence or absence of an organism or one or more members of a group of organisms in the sample.

462. (New) The method of claim 441 further comprising the step of providing to the sample a nuclease inhibitor other than a polynucleotide modified to include a 2'-O-alkyl substitution to the ribofuranosyl moiety of a ribonucleotide.

463. (New) The method of claim 441, wherein the 2'-O-alkyl substitution to the ribofuranosyl moiety is a 2'-O-methyl substitution.

\* \* \* \* \*

Remarks

Claims 422-463 are presently pending in the subject application.

Claims 1-421 have been canceled herein without prejudice to the future prosecution of the subject matter of these claims in this or a future continuation application.

The title of the invention has been amended to more properly reflect the currently claimed subject matter.

The specification has been amended to set forth Applicants' benefit of earlier filing date under 35 U.S.C. § 120 and to indicate that Figure 1 is a collection of three figures (*i.e.*, Figures 1A, 1B and 1C). Applicants submit that no new matter is being introduced by these amendments.

Consistent with their amendment dated March 18, 1998 in parent application Serial No. 08/893,300, Applicants are amending the Sequence Listing to provide updated contact and

PRELIMINARY AMENDMENT

Continuation Application of  
Application Serial No. 09/565,427  
Atty. Docket No. GP068-05.CN3

application data information, as of March 18, 1998. This updated information does not constitute new matter and is reflected in the only computer readable form of the Sequence Listing filed in application Serial No. 08/893,300. Support for these non-substantive amendments to the Sequence Listing can be found in the original filing papers for application Serial No. 08/893,300.

Claims 422-463 are newly added and are supported by the originally filed claims and the specification *passim*. No new matter is believed to be introduced by the addition of these claims.

Conclusion

Applicants submit that the subject application is in condition for allowance and early Notice to that effect is respectfully requested.

Please charge the excess claims fee due under 37 C.F.R. § 1.16(c), and any other fees which may be due, to Deposit Account 07-0835.

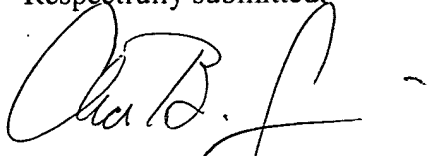
PRELIMINARY AMENDMENT

Continuation Application of  
Application Serial No. 09/565,427  
Atty. Docket No. GP068-05.CN3

Certification

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on the date indicated below with the U.S. Postal Service as Express Mail No. EL612500464US addressed to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,



By:

Charles B. Cappellari  
Registration No. 40,937  
Attorney for Applicants

Date: March 14, 2001

GEN-PROBE INCORPORATED  
Patent Department  
10210 Genetic Center Drive  
San Diego, California 92121  
PH: 858-410-8927  
FAX: 858-410-8928